

REMARKS

I. INTRODUCTION

Claims 1 and 11 have been amended. Claim 3 has been cancelled. Claims 13 and 14 have been added. Thus claims 1-2 and 4-14 are pending in the present application. In view of the above amendments and following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 112 REJECTIONS SHOULD BE WITHDRAWN

Claims 11-12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (See 07/14/2008 Office Action p. 2). Specifically, claim 11 stands rejected for claiming two ranges for fluence and pulse duration.

Claim 11 has been amended to recite “[a] method for reducing growth of hairs on human skin, comprising delivering at least one pulse of electromagnetic radiation to the skin, wherein a wavelength spectrum of the electromagnetic radiation is selected between 550 and 1200 nm, characterized in that an energy density of the electromagnetic radiation delivered to the skin is selected between 1 and 12 J/cm², wherein a duration of the pulse is between 1 and 100 ms, such that anagen follicles of said hairs are induced to a resting phase in their growth cycle, thereby substantially preventing permanent damage to follicles of the hairs, the electromagnetic radiation being selected in accordance with selected properties of the skin to be treated.” Accordingly, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 112, second paragraph, rejection.

III. THE 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-8 and 11-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Appl. No. 2004/0034319 to Anderson et al. (hereinafter “Anderson”). (See 07/14/2008 Office Action p. 2-3).

Claim 3 has been cancelled.

Anderson describes a method and apparatus for hair growth management. (See Anderson Abstract). Anderson describes hair removal through the application of optical radiation to hair follicles in a treatment area of a wavelength, power density and duration sufficient to at least traumatize a matrix portion of at least selected follicles. (See Anderson, para. 5). The ranges for wavelength, power density and duration depend on the color of the hair shafts in the treatment area. (See Anderson, para. 5).

Claim 1 recites “[a] device for reducing growth of hairs on human skin, which device comprises a source of electromagnetic radiation that emits in a wavelength range between 550 and 1200 nm, characterized in that the device comprises control means for limiting the deliverable energy density of the radiation on the skin to a maximum value between 1 and 12 J/cm², wherein, during operation, the control means selects the maximum value in accordance with selected properties of the skin to be treated.”

The Examiner asserts that Anderson describes the recitation in claim 1. (See 07/14/2008 Office Action p. 2-3). Applicants respectfully disagree. The Examiner states “the range in fluences is disclosed as varying due to the color of the hair, thus teaching that *hair properties influence the power selected by the control box* (Fig. 5, # 24) during operation.” Anderson states that the “range of fluence J/cm² for lower power photoepilation, *minimum for dark hair and maximum for dark/dirty blonde hair or blonde hair*. The fluence integrates for *hair colors* between those specified, and also integrates for wavelengths between those specified.” (See Anderson, table 2). Thus, as the Examiner previously stated, Anderson merely uses hair color

properties to determine the range of fluences. In contrast, claim 1 recites “the control means selects the maximum value in accordance with *selected properties of the skin to be treated.*”

Accordingly, Applicants respectfully submit that Anderson does not teach or suggest the recitations of claim 1. Thus, Applicants submit that claim 1 is patentable over Anderson. Because claims 2 and 4-8 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

Independent claim 11 recites “[a] method for reducing growth of hairs on human skin, comprising delivering at least one pulse of electromagnetic radiation to the skin, wherein a wavelength spectrum of the electromagnetic radiation is selected between 550 and 1200 nm, characterized in that an energy density of the electromagnetic radiation delivered to the skin is selected between 1 and 12 J/cm², wherein a duration of the pulse is between 1 and 100 ms, such that anagen follicles of said hairs are induced to a resting phase in their growth cycle, thereby substantially preventing permanent damage to follicles of the hairs, *the electromagnetic radiation being selected in accordance with selected properties of the skin to be treated.*” Thus, Applicants respectfully submit that claim 11 is allowable for at least the same reasons given above with respect to claim 1. Because claim 12 depends and therefore includes all the limitations of the independent claim 11, it is respectfully submitted that claim 12 is also allowable.

Newly added claims 13-14 depend from claim 11. Thus, it is respectfully submitted that these claims are also allowable.

IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of U.S. Patent Appl. No. 2003/0032950 to Altshuler et al. (hereinafter “Altshuler”). (See 07/14/2008 Office Action p. 3-4).

Applicants submit that Altshuler does not cure the above described deficiencies of Anderson with respect to claim 1. Therefore, Applicants submit that claim 1 is patentable over Altshuler. Because claims 9-10 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that this claim is also allowable for at least the same reasons given above with respect to claim 1.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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